

REMARKS

In view of the above amendments and the following remarks, further examination and reconsideration of the rejections in the Office Action of January 26, 2009 are respectfully requested.

By this amendment, claims 18, 19, 21, 22, and 25 are canceled without prejudice or disclaimer to the subject matter contained therein; claims 15, 20, and 26-28 are amended; new claims 29-32 are added. Thus, claims 15-17, 20, 23, 24, and 26-32 are pending in the application.

Support for the newly added limitations in claims 15 and 26-28 can be found, for example, at pages 32 and 33 of the specification and in drawing Figure 5A. Support for the corresponding limitations in claims 29-32 can be found, for example, at pages 33 and 34 of the specification and in drawing Figure 5B.

In item 4 of the Office Action, claims 15, 16, 18, 19, and 21-28 are rejected under 35 U.S.C. §102(b) as being anticipated by Kawano et al. (U.S. 6,480,448); in item 6 of the Office Action, claims 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kawano in view of Gushima et al. (U.S. 2005/0018572). The rejection of claims 18, 19, 21, 22, and 25 is moot in view of their cancellation. Claims 15 and 26-28 have been amended to further distinguish the present invention. Thus, these rejections are inapplicable to claims 15-17, 20, 23, 24, and 26-28, and withdrawal of the rejections is respectfully requested.

First, a test recording operation of Kawano will be explained. According to the test recording operation of Kawano, a CPU 42 controls the driving of a servo circuit 40 to move an optical pickup device 17 to a target address 8 as searched/scanned (column 9, lines 33 to 42, and S8 in FIG.3).

According to Kawano, among tracks in an information recording area 3, a start address 6 is a first recording position on a track in the information recording area 3 when new digital data is recorded into the optical recording medium, and a last address 7 is a data terminating position on the track in the information recording area 3. A target address 8 is then set at a mid-position between the start address 6 and the last address 7 (column 9, lines 13 to 22).

When the optical pickup device 17 has reached the target address 8, test data starts being recorded from the target address 8 (S9 of FIG. 4). Upon completing the test recording, a pit pattern recorded at the target address 8 is reproduced (S11 of FIG. 4). Thereafter, a reproducing signal is evaluated (S11 of FIG. 4) to determine an optimum power level of a laser beam (S12 of FIG. 4).

Then, the digital data of one recording unit starts being recorded from the start address 6 of the optical recording medium 1 using a laser beam of the optimum power as determined (S16 in FIG. 4). Upon completing the recording of the digital data of one recording unit, it is determined if any recordable recording capacity still exists (S17 in FIG. 4). If a recordable recording capacity still exists (YES in S17), an address at which half of the digital data of one recording unit has been recorded at the current last address is counted to be used as the next target address. Then, the CPU 42 drives the servo circuit 40 to move the optical pickup device 17 to the next target address as searched, and the operations in and after S9 are to be repeated (S18 in FIG. 4).

In the foregoing test recording operation of Kawano, the test data begins being recorded from a position which is a predetermined distance from, in a radial direction of the record medium, the position where user data finishes being recorded within the user area (recording area), and a recording position is moved from a position where the test data finishes being recorded *back to the start address 6*, and user data then starts being recorded from the position where the user data finished being recorded (see column 11, lines31-33), and is recorded over the test data.

Claim 15 recites an access unit having a recording section configured to begin recording the test data at a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area, and configured to begin recording a second portion of the user data in a second position which is *a predetermined radial distance toward the outer circumference of the record medium from a position in which the test data finishes being recorded*.

In this way, the user data is not recorded in an area where the test data has been recorded, and it is therefore possible to record user data after test recording, not only for rewritable optical

record media, but also for write-once recording media.

Gushima does not disclose such a recording section, nor was it relied on as disclosing such in the Action. As can now be seen, such a recording section is also not disclosed by Kawano.

The deficiencies of Kawano and Gushima are not obviated the other prior art of record. Accordingly, the present invention as recited in claim 15 is not anticipated by or obvious in view of the prior art of record. Claims 26-28, reciting similar limitations to claim 15, are believed not anticipated by or obvious in view of the prior art of record for similar reasons to the above. It is submitted that claims 15 and 26-28 are allowable over the prior art of record, as are claims 16, 17, 20, 23, and 24 depending therefrom.

New claim 29 recites an access unit having a recording section configured to begin recording the test data at a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area; execute a return from a position in which the test data finishes being recorded to the position in which the first portion of the user data finished being recorded, and record user data up to the position in which the test data began being recorded; and execute a movement from the position in which the test data began being recorded to the position in which the test data finished being recorded, and begin recording of a second portion of the user data from the position in which the test data finished being recorded, whereby the user data is recorded in the user area other than a test record area in which the test data has been recorded.

Kawano and Gushima do not disclose a recording section as recited in claim 29, nor is one disclosed by the other prior art of record. Claims 30-32 recite similar limitations to claim 29. Accordingly, it is submitted that claims 29-32 are also allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

Respectfully submitted,

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